IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 9TH MARCH 2007 / 18TH PHALGUNA 1928

Bail Appl..No. 1407 of 2007()

CRIME NO.138/07 OF THODUPUZHA POLICE STATION

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: PETITIONER/ACCUSED

ANIL, AGED 29 YEARS, S/O. THANKAPPAN,
RANDUKANDATHIL VEEDU, MANAKKADU, THODUPUZHA.

BY ADV. SRI.P.K.ASHOKAN
SRI.SASTHAMANGALAM S. AJITHKUMAR
SRI.RENJITH B.MARAR
SRI.PRABHU VIJAYAKUMAR
SMT.LAKSHMI.N.KAIMAL

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE, THODUPUZHA
POLICE STATION, THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1407 OF 2007 A

Dated this the 9th day of March, 2007

O R D E R

Petitioner, who is the accused in Crime No.138/2007 of Thodupuzha Police Station for offences punishable under section 377 IPC read with section 23 of the Juvenile Justice Care and Protection of Children Act, 2000, seeks anticipatory bail.

2. The date of occurrence is on 15.2.2007. The alleged victim is a 13 years old boy studying in the 8th standard and the petitioner is stated to be a rubber tapper by avocation.

3. Learned Public Prosecutor opposed the application.

4. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioner to surrender before the Investigating Officer for the purpose of interrogation, potency test, etc. and then to have his application for regular bail considered by the Magistrate concerned. Accordingly, the petitioner is directed to surrender before the Investigating Officer on any day between 15.3.2007 and 17.3.2007 for the purpose of interrogation, potency test, etc. The petitioner shall, thereafter, be produced on the same day before the concerned Magistrate, who shall consider and dispose of the application, if any, filed by the petitioner for regular bail on merits,

preferably on the same date on which it is filed. The Magistrate shall also consider the contention of the petitioner that even if the acts allegedly attributed to the petitioner are true, they may not constitute an offence punishable under section 377 IPC.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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